

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

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| GARRET SITTS, et al., Plaintiffs, v. DAIRY FARMERS OF AMERICA, INC. and DAIRY MARKETING SERVICES, LLC, Defendants. | Civil Action No. 2:16-cv-00287-cr |
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DEFENDANTS DAIRY FARMERS OF AMERICA, INC. AND
DAIRY MARKETING SERVICES, LLC’S
NOTICE OF REVISED PROPOSED JURY INSTRUCTIONS

During the September 1, 2020 charge conference, the Court instructed defendants Dairy Farmers of America, Inc. and Dairy Marketing Services, LLC (collectively, “DFA”) to propose revisions to the existing set of jury instructions that the Court circulated for discussion during that charge conference.¹ In response to the Court’s instructions, DFA respectfully submits its proposed revisions in Exhibit A. DFA also includes a redlined version of these instructions—to reflect all of DFA’s proposed changes—that is attached as Exhibit B. Finally, plaintiffs submitted to DFA proposed language for DFA’s Instruction regarding the Capper-Volstead Act. DFA has incorporated the controlling cases that plaintiffs cite—as well as any appropriate legal concepts and/or standards articulated by that case—where doing so was legally accurate and/or relevant to

¹ The Court also instructed plaintiffs to propose revisions to certain other instructions within the set of instructions that the Court was using for discussion during the September 1, 2020 charge conference. DFA has not yet had the opportunity to review plaintiffs’ new proposed instructions and reserves all rights to object to such instructions at the appropriate time.

the Instruction. DFA has attached the full proposed language submitted by plaintiffs as Exhibit C, herein.

Notwithstanding its proposed edits to the Instructions of Law, attached as Exhibit A, DFA retains all prior objections to such jury instructions—as set forth both in DFA’s Objections to Plaintiffs’ Proposed Jury Instructions, ECF No. 293, and at the August 10, 2020 and September 1, 2020 charge conferences—and reserves the right to assert further objections at the upcoming September 23 and 28, 2020 charge conferences and in response to plaintiffs’ proposed revised instructions.

DFA reserves the right to further amend its proposed jury instructions, including as a result of the September 23 and 28, 2020 charge conferences, and/or the Court’s ruling on any pending motion, its rulings during trial (including pursuant to Federal Rule of Civil Procedure 50), and/or its resolution of any other dispute that bears on the legal claims in this case.

Dated: September 8, 2020

Respectfully submitted,

/s/ Alfred C. Pfeiffer Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2020, I electronically filed with the Clerk of Court the foregoing document using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

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